



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald J. Stern)
Serial No.: 10/691,897) Attorneys' Ref. P214426
Filing Date: 10/22/2003) Art Unit: 3752
Title: AEROSOL SPRAY TEXTURE)
APPARATUS FOR A PARTICULATE)
CONTAINING MATERIAL)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, the Applicant respectfully submits this Information Disclosure Statement to call to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B for consideration in the prosecution of the above-referenced application for U.S. patent.

REMARKS

The references listed on the attached Forms PTO/SB/08A and PTO/SB/08B were disclosed by the Applicant and/or introduced by the Examiner during the prosecution of parent application Serial No. 10/047,041. Therefore, copies of these references are not enclosed herewith, but can be provided at the Examiner's request.

CONCLUSION

The Applicant respectfully submits that these references, taken alone or in combination, neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to the pending application is respectfully requested. If there is any matter which could be expedited by consultation with the Applicant's attorney,

such would be welcome. The Applicant's attorney can normally be reached at the telephone number below.

Signed at Bellingham, County of Whatcom, State of Washington, this 3rd day of February, 2004.

Respectfully submitted,

DONALD J. STERN et al.

By Michael R. Schacht

Michael R. Schacht, Reg. No. 33,550
Schacht Law Office, Inc.
2801 Meridian Street, Suite 202
Bellingham, WA 98225-2400
Tel: (360) 647-0400
Fax: (360) 647-0412

CERTIFICATE OF MAILING
37 C.F.R. §1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Signature: Robin Fry

Print Name: Robin Fry

Date: February 3, 2004

Please type a plus sign (+) inside this box ---> +

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number	10/691,897
Filing Date	10/22/2003
First Named Inventor	DONALD J. STERN
Group Art Unit	3752
Examiner Name	

Sheet 1 of 4

Attorney Docket Number P214426

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ²			
		2,686,652		Carlson et al.	08/17/1954	
		2,764,454		Edelstein	09/25/1956	
		2,785,926		Lataste	03/19/1957	
		2,831,618		Soffer et al.	04/22/1958	
		2,839,225		Soffer et al.	06/16/1958	
		2,965,270		Soffer et al.	12/20/1960	
		3,191,809		Schultz et al.	06/29/1965	
		3,196,819		Lechner et al.	07/25/1965	
		3,346,195		Groth	10/10/1967	
		3,415,425		Knight et al.	12/10/1968	
		3,433,391		Krizka et al.	03/18/1969	
		3,450,314		Gross	06/17/1969	
		3,467,283		Kinnavy	09/16/1969	
		3,482,738		Bartels	12/09/1969	
		3,544,258		Presant et al.	12/01/1970	
		3,548,564		Bruce et al.	12/22/1970	
		3,592,359		Marrafino	07/13/1971	
		3,700,136		Rueckberg	10/24/1972	
		3,788,521		Laauwe	01/29/1974	
		3,806,005		Prussin et al.	04/23/1974	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	† ⁴
		Office ³	Number	Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3) ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box ----> ☐

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

Complete if Known

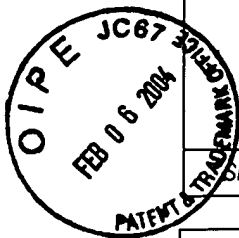
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number	10/691,897
Filing Date	10/22/2003
First Named Inventor	DONALD J. STERN
Group Art Unit	3752
Examiner Name	
Attorney Docket Number	P214426

Sheet 2

of 4



U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ²			
		3,828,977		Borchert	08/13/1974	
		3,862,705		Beres et al.	01/28/1975	
		3,913,842		Singer	10/21/1975	
		3,938,708		Burger	02/17/1976	
		3,989,165		Shaw et al.	11/02/1976	
		3,992,003		Visceglia et al.	11/26/1976	
		4,032,064		Giggard	06/28/1977	
		4,045,860		Winckler	09/06/1977	
		4,089,443		Zrinyi	05/16/1978	
		4,117,951		Winckler	10/03/1978	
		4,148,416		Gunn-Smith	04/10/1979	
		4,154,378		Paoletti et al.	05/15/1979	
		RE30,093		Burger	09/11/1979	
		4,171,757		Diamond	10/23/1979	
		4,185,758		Giggard	01/29/1980	
		4,187,959		Pelton	02/12/1980	
		4,198,365		Pelton	04/15/1980	
		4,238,264		Pelton	12/09/1980	
		4,293,353		Pelton et al.	10/06/1981	
		4,308,973		Irland	01/05/1982	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	† ⁴
		Office ³	Number	Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

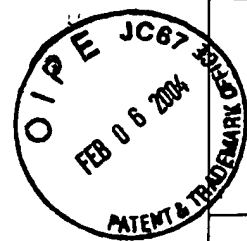
¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3) ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

+	
---	--

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number	10/691,897
Filing Date	10/22/2003
First Named Inventor	DONALD J. STERN
Group Art Unit	3752
Examiner Name	

Sheet	3
-------	---

3

of

4

Attorney Docket Number

P214426

U.S. PATENT DOCUMENTS

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ²			
		4,322,020		Stone	03/30/1982	
		4,346,743		Miller	08/31/1982	
		4,370,930		Strasser et al.	02/01/1983	
		4,401,271		Hansen	08/30/1983	
		4,401,272		Merton et al.	08/30/1983	
		4,411,387		Stern et al.	10/25/1983	
		4,417,674		Giuffredi	11/29/1983	
		4,442,959		Del Bon et al.	04/17/1984	
		4,641,765		Diamond	02/10/1987	
		4,854,482		Bergner	08/08/1989	
		4,870,805		Morane	10/03/1989	
		4,896,832		Howlett	01/03/1990	
		4,940,171		Gilrov	07/10/1990	
		4,949,871		Flanner	08/21/1990	
		4,955,545		Stern et al.	09/11/1990	
		4,969,577		Werdning	11/13/1990	
		5,007,556		Lover	04/16/1991	
		5,037,011		Woods	08/06/1991	
		5,038,964		Bouix	08/13/1991	
		5,059,187		Sperry et al.	10/22/1991	

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3) ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.



Complete if Known

(use as many sheets as necessary)

Sheet | 4

4

C

4

Filing Date	10/22/2003
-------------	------------

First Named Inventor	DONALD J. STERN
----------------------	-----------------

Group Art Unit	3752
----------------	------

Examiner Name

Attorney Docket Number	P214426
------------------------	---------

[illegible][illegible]

Examiner
Signature

Date	
Considered	

1 Unique citation designation number 2 See attached Kinds of U.S. Patent Documents 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3) 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



+

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

(use as many sheets as necessary)

Sheet	1	of	1
-------	---	----	---

Application Number	10/691,897
Filing Date	10/22/2003
First Named Inventor	DONALD J. STERN
Group Art Unit	3752
Examiner Name	
Attorney Docket Number	P214426

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231 . **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.